

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION**

Case No. 5:15-CV-451-BO

RAYMOND TARNTON, as guardian ad litem for HENRY LEE MCCOLLUM, and J. DUANE GILLIAM, as guardian of the estate of LEON BROWN, <i>et al.</i> ,	) ) ) ) )
Plaintiffs,	) ) )
v.	) )
KENNETH SEALEY, both individually and in his official capacity as the Sheriff of Robeson County, <i>et al.</i> ,	) ) )
Defendants.	) )

## **PLAINTIFFS' APPLICATION FOR WRIT OF EXECUTION**

Pursuant to Federal Rule of Civil Procedure 69(a)(1), Plaintiffs Henry McCollum and Leon Brown hereby request execution on the Second Amended Judgment entered by the Court on April 20, 2023. *See* Dkt. No. 483. Plaintiffs specifically request that the Court issue a writ of execution requiring Defendant Leroy Allen to satisfy the Second Amended Judgment, including in particular the \$28.25 million in compensatory and punitive damages awarded to Plaintiff McCollum; post-judgment interest,<sup>1</sup> calculated at a rate of 4.68%, *see* 28 U.S.C. § 1961; and \$6,462,150.48 in attorney's fees and costs, as awarded by this Court and affirmed by the United States Court of Appeals for the Fourth Circuit, *see* Dkt. Nos. 457, 476.

<sup>1</sup> As of the date of this filing (June 5, 2023), the total accrued interest on the compensatory and punitive damages owed by Defendant Allen is \$166,620.82, and it continues to accrue.

Plaintiffs have satisfied all statutory prerequisites for executing judgment. Pursuant to N.C.G.S. § 1C-1603, and this Court's Order on May 18, 2023, Dkt. No. 486, Plaintiffs filed a notice of right to have exemptions designated on May 19, 2023, Dkt. No. 487. On May 24, 2023, Defendant Allen filed a Notice to Claim Exempt Property, where he claimed certain exemptions under N.C.G.S. § 1C-1603. *See* Dkt. No. 488. Plaintiffs did not object to the exemptions. *See* N.C.G.S. § 1C-1603(e)(5). With the designation of exemptions, Plaintiffs have now met the statutory requirements for this Court to issue a writ of execution. *See* N.C.G.S. § 1C-1603(a)(4) (“After judgment, except . . . when exemptions have already been designated, the clerk may not issue an execution or writ of possession unless notice from the court has been served upon the judgment debtor advising the debtor of the debtor's rights.”). Accordingly, Plaintiffs request execution on the Second Amended Judgment this Court entered on April 20, 2023. *See id.* § 1C-1603(a)(4) (“If the judgment creditor files no objection to the schedule filed by the judgment debtor or claimed at the requested hearing, the clerk must enter an order designating the property allowed by law and scheduled by the judgment debtor as exempt property. Upon request of the judgment creditor, the clerk must issue an execution or writ of possession except for exempt property.”).

Dated this 5th day of June, 2023.

Respectfully Submitted,

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## **CERTIFICATE OF SERVICE**

I hereby certify that on June 5, 2023, I filed this Application for Writ of Execution with the Clerk of Court using the CF/ECF system, which will electronically serve this motion on both Plaintiffs' and Defendants' attorneys as follows:

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